

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ERSKINE LEWIS, JR.,

Defendant.

Case No. CR06-353-RSL

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on July 27, 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Andrew Colasurdo, and defendant was represented by Michael Filipovic. Also present was U.S. Probation Officer Thomas S. Fitzgerald. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on April 6, 2007 by the Honorable Robert S. Lasnik for Felon in Possession of a Firearm. He received 24 months of detention and 3 years of supervised release.

On June 15, 2009, a Report on Offender Udnor Supervision was submitted to the court to advise of Mr. Lewis' alleged association with a felon on or about May 24, 2009, and his failure

1 to notify the probation officer of law enforcement contact on or before May 27, 2009. No action
2 was recommended at that time and Mr. Lewis was referred to Moral Reconciliation Therapy
3 (“MRT”).

4 PRESENTLY ALLEGED VIOLATIONS

5 In a petition dated June 28, 2009, U.S. Probation Officer Thomas S. Fitzgerald alleged that
6 defendant violated the following conditions of supervised release:

7 1. Associating with a convicted felon on or about May 24, 2009, in violation of
8 standard condition number 9 of supervised release.

9 2. Failing to notify the probation officer within 72 hours of being arrested or
10 questioned by law enforcement on or before May 27, 2009, in violation of standard condition
11 number 11 of his supervised release.

12 3. Failing to participate in a mental health program, specifically MRT as directed on
13 or before November 4, 2009, in violation of his special condition of supervised release.

14 4. Associating with a convicted felon on or about September 15, 2009, in violation of
15 standard condition number 9 of his supervised release.

16 5. Failing to notify the probation officer within 72 hours of being arrested or
17 questioned by law enforcement on or before September 18, 2009, in violation of standard
18 condition number 11, or his supervised release.

19 6. Failing to notify the probation officer of change in residence on or before December
20 30, 2009, in violation of standard condition number 6 of his supervised release.

21 7. Failing to submit supervision reports for the months of December 2009, and
22 January, February, March, April, May, and June, 2010 in violation of standard condition number
23 2 of his supervised release.

1 FINDINGS FOLLOWING EVIDENTIARY HEARING

2 Defendant admitted to violations 2, 5, 6, and 7, waived any hearing as to whether they
3 occurred, and was informed the matter would be set for a disposition hearing on September 8,
4 2010 at 9:00 a.m. before District Judge Robert S. Lasnik. Upon defendant's admission to these
5 violations, the government withdrew violations 1, 3, and 4. Defendant was released on an
6 appearance bond.

7 RECOMMENDED FINDINGS AND CONCLUSIONS

8 Based upon the foregoing, I recommend the court find that defendant has violated the
9 conditions of his supervised release as alleged above, and conduct a disposition hearing.

10 DATED this 27th day of July, 2010.

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14 BRIAN A. TSUCHIDA
15 United States Magistrate Judge
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